

November 13, 2020

Via ECF

The Honorable Paul A. Engelmayer  
United States Courthouse  
40 Foley Square, Room 2201  
New York, NY 10007

**Re: *ACLU et al. v. Department of Defense et al.*, No. 17 Civ. 3391 (PAE)**

Dear Judge Engelmayer,



National Office  
125 Broad Street, 18th floor  
New York NY 10004  
(212) 549-2500  
[aclu.org](http://aclu.org)

On behalf of plaintiffs the American Civil Liberties Union and American Civil Liberties Union Foundation (collectively, “ACLU”), I write to request an adjournment of the deadline to file a motion for “attorney fees and litigation costs” under the Freedom of Information Act, 5 U.S.C. § 552(a)(4)(E). The ACLU has not previously sought such an adjournment.

The Court entered judgment in the above-referenced matter on November 12, 2020. ECF No. 138. Under Federal Rule of Civil Procedure 54(d), the current deadline to file a motion for fees and costs is November 27, 2020.\*

In the interest of avoiding further motions practice, the parties wish to enter into settlement negotiations regarding fees and costs. To facilitate these negotiations, the ACLU respectfully requests that the Court (1) adjourn the current deadline to file a motion for fees and costs, and (2) order the parties to submit a joint update on the status of negotiations by January 8, 2021. Counsel for the government consents to this request.

Respectfully,

A handwritten signature in blue ink, appearing to read "Brett Max Kaufman".

Brett Max Kaufman  
Hina Shamsi  
American Civil Liberties Union Foundation  
125 Broad Street—18th Floor  
New York, New York 10004

*Counsel for Plaintiffs*

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\* Rule 54(d) requires a party to file a motion for fees no later than 14 days after the entry of judgment—in this case, November 26. Because November 26 is a legal holiday, the current filing deadline is November 27. See Rule 6(a).